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gree of baron, which the grand duke of Weimar *wrought out*, as the biographer expresses it, *auswirkte*, for Schiller, of his own mere motion, was not an extravagant reward, though intended doubtless as a high distinction.

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ART. XXVI.—*Römische Geschichte, von B. G. Niebuhr.*—*Roman History, by B. G. Niebuhr.* 2 vols. 8vo, with two maps. Berlin, 1811 and 1812.

WE have several times, in the course of the last two or three years, made a passing allusion to this work ; and propose at present to lay a short account of it before our readers. No full notice of it, that we know of, has been as yet submitted to the English or American public ; and few publications afford more cause for reflection on the serious obstacles presented to the progress of knowledge, by the multiplicity of languages. The existence of four or five cultivated tongues, some of them radically different from each other, seems really, at times, to counterbalance all the facilities for communication, which the art of printing affords ; and amidst all the improvements and triumphs of learning in modern days, it is humiliating to see so little concert subsisting between the minds of different nations, that the most important discoveries in literature may be made and acknowledged in one country, and remain unknown in another, separated perhaps only by a chain of mountains, a river, or a channel.

That this remark applies with great justice to the Roman history of Mr von Niebuhr, is true by general confession. Though it may sound like pedantry to talk of *discoveries* at this time of day, in such a department of study as Roman history ; yet it is notwithstanding extremely analogous to the progress of the human mind in all other branches of investigation, that certain gross popular views, without probability and without foundation, should nevertheless from various causes acquire a general reception, and that their detection when made be entitled to the name of a discovery. This is the case of Mr Niebuhr's work on Roman history. Though not certainly the first author to call in question some of the popular errors in respect to this subject, he is the first who has pushed the test of a philosophical examination to its full extent ; and the first also, whose learning and talents have given authority to specu-

lations, which before his time were apt to be rejected as the vagaries of literary scepticism. For what had been done before Mr von Niebuhr in this way, and for a general hint at the value of what he has himself accomplished, we may quote a few sentences from the article on the early history of Rome, in the fifty-fourth number of the *Quarterly Review* :

‘All, however, have not evinced the same degree of historic faith; some have openly revolted against these absurdities of tradition, and have expressed their scepticism in bold and decisive language. The question was discussed with vigor and even with acrimony, in the French Academy, about a century ago, and the chief combatants of the opposite parties, M. de Pouilly and the Abbé Sallier, in that arena, attacked and defended the authority of Dionysius, of Livy, and their followers. Amongst the late sceptics, M. Beaufort is perhaps the most able. In his dissertation on the uncertainty of the early Roman history, he skilfully combats the accounts, which have been transmitted to us, and arrives at a conclusion, which may perhaps startle our prejudices not a little, that nothing is more uncertain, than what we have received as the history of the first ages of Rome. M. Levesque, in his *Histoire critique de la République Romaine*, has also evinced a very reasonable degree of scepticism on this point.’——

‘The subject has, however, been examined with the greatest accuracy by the literati of Germany. In that country several works have been published upon the historic period under our immediate consideration, which have attracted great and deserved attention. The most remarkable of these writers, for extent of learning and depth of reflection, is M. de Niebuhr, whose Roman history, though written in a style somewhat obscure, is likely, when generally known, to produce a great effect upon the reading and thinking part of the European community. His example has been, in part, followed, and his ideas developed by M. Wachsmuth, a professor at Halle, whose work displays much research and ingenuity.’

‘We have thought it necessary to make these preliminary remarks, because we are persuaded, that the subject has not yet received that attention from the English reader, to which it is entitled. The works of de Niebuhr and Wachsmuth have hardly been mentioned in this country; and we can venture to affirm, that *not half a dozen persons* have read them; and almost as few entertain any scepticism on those points, the credibility of which is called in question. The tales instilled into us at school are retained and believed in manhood; and the rape of the Sabines, the combat of the Horatii, and the self-devotion of Curtius are as

little doubted as the landing of William the Conqueror, or the signing of the Great Charter.'

We have been led to make this extract, as a preparation for our own remarks on Mr von Niebuhr's work. Though it is 'on the reading and thinking part of the *European* community' only, that our brethren of the *Quarterly* anticipate a powerful effect from the perusal of his history, we hope it will not seem intrusive in an American journalist to review it; the rather, since—if this writer be correct in stating, that not half a dozen persons have read it in Great Britain—we feel pretty confident, that it has been as extensively read in this country as in England. We mention not this to the comparative credit of our own country, but as the misfortune, not to say disgrace, of both, that a work of such transcendent merit should have been for ten years published in a kindred tongue, and be yet so little known.

Mr von Niebuhr, who has received the title of Baron from the king of Prussia, is the nephew of the celebrated traveller in the east, of the same name. We have been informed, that the baron in early life was a clerk in the bank of Copenhagen, in which capacity he gave a proof of the almost miraculous power of his memory, by restoring, from recollection alone, the whole contents of a leaf in the bank ledger, which by accident or fraud had been lost. He was afterwards made a professor in the university at Berlin, and the work before us had its origin in the lectures, which he there delivered. Four years after the publication of these two volumes, which are all that has yet appeared, he was appointed by the king of Prussia resident minister at Rome, for the purpose of enabling him to pursue his studies in Roman history, to greater advantage, among the ruins of the ancient Roman capital. It was among these ruins, that Gibbon informs us he was himself inspired with the idea of writing the history of the decline and fall of the Roman empire. The mission of Mr von Niebuhr for an object like this, is one of the many judicious acts of literary patronage, which do honor to the present king of Prussia, and will entitle him to the charity of after ages, when the royal congresses and holy alliances, of which he is a member, will be forgotten, or remembered with disgust. On his way to Italy, in a visit of only two days at Verona, Mr von Niebuhr made the brilliant discovery of the rewritten manuscript of the institutions

of Gaius, of which we gave a particular account in our number for April 1821 ; and which, on the shelves of the Cathedral library, had escaped the well trained eye of Maffei, during the long life, which he passed in the neighborhood of that library. Nor have our author's researches been without success among the manuscripts of the Vatican. Several fragments of orations of Cicero have been discovered by him, since his residence at Rome ; where he occupies as a dwelling what remains of the theatre of Marcellus and forms the wall of the palace Orsini. Few situations can be imagined more enviable than that of a scholar, thus placed by the deserved liberality of his sovereign, in a situation for prosecuting his inquiries into the history of ancient nations, among the spots where still exist the best preserved ancient monuments and the richest modern collections. One cannot but look forward, with a keen interest to the remaining volumes of the history of Rome, written by Mr von Niebuhr, with the treasures of the Vatican within his reach, from the theatre of Marcellus, and within sight of the forum.

It was originally our author's intention, as he informs us in his preface, to publish his lectures as he delivered them, comprising the Roman history from the earliest periods to the downfall of the empire. On preparing them for the press, however, he was led to give them a more systematic form, and to remould them as a history of Rome, which he proposes only to bring down to the period where Gibbon begins, whose work he justly regards as filling up the department of Roman history from that point. With regard to the works of Beaufort and Levesque, mentioned in the extract we have given above from the *Quarterly Review*, as anticipating some of our author's speculations, we deem it just to quote his own words, as they appear in the preface :

‘ Of modern treatises on Roman history I have made no use, neither in my previous studies, nor in the preparation of my lectures. In this way, I have been spared the necessity of engaging in controversy, which the nature of my work rejected, and which in itself is of little advantage to learning, and well compensated by exact and faithful investigation. If the opinion advanced is shown to be true or most probable, there needs no particular refutation of the opposite doctrine. Where, however, as in the case of Beaufort's critical dissertation, similar investigations of others have lead to like results, it has been partly impossible, partly superfluous, to make a distinct appeal to their writings. I read

the work of Beaufort for the first time, when the first volume of mine was advanced in the printing. And both in the remainder of the first and the whole of the second volume, whatever resemblance exists, is entirely matter of coincidence; so that he is to be regarded rather as my voucher, than predecessor. Nor was I earlier acquainted with the history of Levesque. Beaufort's investigations and doubts are there assumed. With the exception of them and the conjecture of the Etruscan origin of Rome, few points of resemblance will be found between our works.'

'Micale's history of ancient Italy has as little fulfilled my wishes, as it does justice to the advantages, which every Italian historian must possess over a transalpine, in this competition. His atlas, however, is highly valuable.'

We cannot but think, that our author has here expressed himself with too great severity of Micale's *Italia avanti il dominio dei Romani*, a work originally written at the instance of Napoleon, and handsomely rewarded by him. Though certainly inferior, in all points, to Mr von Niebuhr's work, it is still a learned and useful treatise. A slight notice of it, apparently from a French pen, in the January number of the *New Monthly Magazine*, has condemned it, on the score of want of authorities; a judgment, which sufficiently shews, that the critic, who pronounced it, had not read the book. A scholar like Niebuhr may really find it and have a right to pronounce it unsatisfactory. But a man must be well read in the Italian antiquities—and that too *avanti i Romani*—not to be instructed by Micale.

Though our author's object is the history of Rome, he prepares himself and his reader for this leading theme, by the inquiry into the tribes, who preceded the Romans in Italy. *Vixere fortes ante Agamemnona—Romulus and Remus* are but new comers on the Italian soil. To penetrate the darkness and fable, which obscure the origin of Rome, nothing, of course, can be more advantageous, than to collect, arrange, and estimate the traditions relative to earlier Italian tribes; so that at all events we may be saved from believing any thing relative to the Roman state, inconsistent with what we know of earlier communities in the same region. Our author thus expresses himself on this point, in the first chapter of his history:

'Rome, in the beginning of its history, is a very small district of Italy. The peculiarities, which distinguish the Roman people,  
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were the inheritance of far greater races, to whom the Romans belonged, or from whom they borrowed these peculiarities, till from the union of these manifold parts, a new form arose, unlike to any individual Italian tribe. The primitive nations disappeared in the light of the city; and the commonwealth of citizens spread itself throughout Italy. As the republic sank, there were only Romans in the Italian peninsula; and all the historians, whose works are preserved, have uniformly represented the ancient Italic nations, not only as wholly distinct from the Romans, but as insignificant in comparison with them. It is some time since a different judgment began to be entertained; and although it is impossible to sketch a perfect picture of the nations, which attained to greatness in Italy before the Romans,—the accounts of some of which are wholly wanting, and of all highly defective, it is nevertheless universally thought necessary, as far as may be, to attempt a survey and a discrimination of the ancient races and tribes, and a collection of the historical traditions and accounts, that concern them.'

We are deceived, if even in these few observations the hand of the master be not visible. Though there be nothing original in the suggestion, that Livy and the other historians erroneously represent the Romans as a peculiar and distinct race, and exaggerate their importance at the expense of the well ascertained though almost forgotten greatness of the Umbri, the Etruscans, and other great Italian nations; yet no one had before deduced from this observation a new view of Roman antiquities, and a new method of studying them. If the Romans are not a race *sui generis*, but formed from other Italian tribes, and if these other tribes not only preceded the Romans in time, but were far more powerful, cultivated, and civilized, than Rome in her earlier stages, then we ought to begin our inquiries into Roman history, not with the fictions of Romulus and Remus, or the still grosser fables, which Virgil has immortalized, but we ought to begin with the oldest tribes, which history, tradition, analogy of language and institutions, and existing monuments enable us to trace on the Italian soil.

This is accordingly done by our author in the most masterly manner, in the following order, viz. the Ænотrii, the Ausonians, the Sabellians, the Tyrrenhians, Tuscans or Etruscans, the Umbri, Iapygia, the Greeks in Italy, the Ligurians and Veneti, and the inhabitants of the three Islands. All that the ancient authors teach relative to these different tribes and names is collected, weighed, and sifted; and if we are ready to com-

plain, on the one hand, of the scanty traditions, which survive, of numerous and powerful races, we cannot but be surprised, on the other, at the great amount of information, which it is still in the power of industry and sagacity to extract out of the chronicles and fragments of chronicles. After the pure Italian tribes, which we have enumerated, our author treats of the Latins, the tradition of Æneas and the Trojans in Italy, and the city of Alba, and then passes to the great topic of Rome.

Among all the primitive tribes of Italy, none is treated by Mr von Niebuhr more at length, than the Etruscans, as none certainly is so well worthy the notice of the classical antiquary. His theory of the origin of Rome, as we shall presently see, attaches peculiar importance to this people; which on their own account also are well entitled to commemoration. In the etymological and philological controversy with respect to the language of the Etruscans, which has been agitated with such zeal from the discovery of the Eugubine tables in 1440 to the present day, our author takes no part, and he evidently looks with some sense of weariness upon it. His subject is equally remote from the consideration of their arts, in which as the reputed makers of the Etruscan vases, so called, (which are found almost exclusively in Campania, and are now universally admitted to be of Greek workmanship,) they have so proverbially enjoyed a reputation belonging to another people, and given a name to a fabric, which they did not possess. It is purely in a civil and historical light, that Mr von Niebuhr treats the Etruscans; and those, who may feel a degree of scepticism at the magnificent figure which they are made to play in Dempster's *Etruria Regale*, in the *English Universal History*, and in the work of Micale, will nevertheless feel safe in following our author, who has none of the partialities of a modern Italian, none of the Etrusco-mania of the present day. Few ancient nations are in truth a more curious topic of investigation. If our curiosity is excited to study the history of those few great political communities, Roman, Grecian, Egyptian, Persian, which gained a distinct name in the ancient world, it is scarcely less awakened to the fate of a people, like the Etruscans, who are *all but* entitled to a place in the great procession of nations, and who for centuries bid much fairer, than the Romans, to be the leading empire in the West. There was not a hut on one of the seven hills of Rome, at the time



that the Etruscans governed nearly the whole of Italy, on each side of the Apennines, and closed a long struggle with the Umbri, by taking three hundred of their cities. Nor were the Etruscans less powerful at sea, than at land. The Adriatic was so called from the Etruscan colony Adria; and therefore was known to the Greeks as the Tyrrhene or Tuscan sea. The Romans, on the other hand, gave this name to the Mediterranean; and as either sea was called by their name, both were traversed by their vessels of commerce and war. This widely extended power on land and at sea was swayed by a confederacy in some degree resembling our own. Twelve powerful cities—though the accounts are not constant in this number—situated chiefly between the Apennines and the Mediterranean sea, were united into a confederation, by which the other portions of Italy were governed as colonies and provinces. This confederation had its annual assembly in the city of Volturna in the temple of one of the national divinities, where sacrifices were performed in the name of the whole Etruscan nation. The main law of the confederacy was, that no single state should declare war or make peace without the general consent; and had this law been adhered to, it admits scarce a doubt, that the name of Romans would never have been heard of in the world. Each separate state of the confederacy was governed by a magistrate called *Lucumo*, who combined the offices of civil, military, and religious chief, giving to the government the sternest form of theocracy. The genius of their internal political organization may be seen in that of ancient Rome, which was imitated from it. The mass of the people was in subjection to an aristocracy, that claimed to be the depositary of the civil power and religious privileges. Notwithstanding this unhappy feature in their policy, which finally proved fatal to their independence and national existence, they had attained at the time the foundations of Rome were laid, a very high degree of cultivation and power. They were the masters of the Romans to a very late period in institutions, arts, and religious rites. The Roman youth, down to the sixth century of the city, were sent up into the cities of Etruria, to be initiated into their refinements; and plays in the Etruscan language were acted at Rome as late as the Augustan age. Before their power was broken by the conquests of the Romans, the Etruscans, from their two great emporiums, Adria, on the gulf that

bears its name, and Luni, on the Mediterranean sea, carried on a commerce of a very extensive character, and exchanged the arts and the fruits of their own country for the luxuries of the east. These were brought to Etruria; and thence, by a sacred road across the Alps, which it was made sacrilege to violate, the staples of Asiatic and Libyan commerce were circulated by the Etruscans, as far as Spain and Portugal. The Romans had cause to rue the establishment of this commerce. The Etruscans had commercial treaties with the Carthaginians, and the same road, which carried the Etruscan caravans across the Alps to Celtiberia, brought the armies of Hannibal by the opposite course into Italy.

It would afford us pleasure to lay before our readers a translation of the concluding pages of Mr von Niebuhr's remarks on this extraordinary people, did the brevity we are bound to study permit us. We shall venture only on the following extract :

‘ A fruitful soil, abounding in natural richness, gave full aliment to the commercial spirit in Etruria; and there was a period when this country formed the *depôt* for the trade between the sea, the rest of Italy, and the remotest barbarous nations, to which there led a sacred and safe commercial road across the Alps.\* Enormous works, equal to those of the Egyptians, and which, wherever found, are of melancholy aspect, as they can be erected only under the tyranny of *castes* and priestcraft and by the slavery of the people, were erected among the Etruscans, over whom this tyranny bore sway. In the same style the Romans built under their kings; in the period of freedom it was impossible. The walls of Volterra, and many other of the chief Etruscan cities, which escaped being laboriously destroyed by the Romans, are still for the most part entire, consisting of gigantic masses of masonry. The views of them confer an indisputable worth on the work of Micali. The Etruscans were the teachers of the Romans in architecture; though possibly only like the Tyrians at Jerusalem, as artists in their employ. This was certainly the case with works of foundery and relief. Some of the ancient Etruscan buildings remind us, in a striking manner, of the monuments of the Aztecs. The mausoleum of the mythological Porsenna, of which Varro derived so fantastical a description from the domestic annals of the Etruscans, but of which also he must himself

\* As far as the Celtiberi. See the author *περὶ Σανυ. ἀκρονυμ.* in Opp. Aris-totel. p. 724, ed. Duval.’ The present may serve as an example of the sagacity and happiness of our author's citations.

have seen the ruins of all that ever really existed of it, contains the chief characteristics of the Mexican temple-pyramids. The monument of the Horatii, as it is called, still in existence, is also not unlike that of Porsenna, as Varro describes it : Pyramids upon a cube, or upon a pyramid highly truncated.'

Such of our readers, as may be curious to inquire farther into this famous but questionable work, may see the original description of Varro in the thirty-sixth book of Pliny's natural history, in the nineteenth chapter. A translation and commentary on the passage is given by the president du Brosses, in the thirty-fifth volume of the Academy of Inscriptions, and Mr Graves, in his *Pyramidographia*, has attempted a coarse drawing of it. Though writers seem disposed, with one consent, to pronounce the accounts of this monument to be fabulous, we confess we see nothing in them, which surpasses belief. The people, who were in the habit of building their common sewers in the style of the Cloaca Maxima, (for which work Livy informs us, that Tarquin sent for artists to all parts of Etruria,) may perhaps be believed to have erected the mausoleum of their most powerful and famous prince, in a style of magnificence like that which Varro has ascribed to the monument of Porsenna.

The tradition, if it deserve that name, of the arrival of Æneas and his Trojans in Italy, is the most popular of the common notions in regard to the origin of Rome. Every body reads Virgil, and that at a period before the mind is fortified with any other reading, or has acquired the principles of intellectual *perspective*, which enable it to distinguish what may be true from what must be fabulous. Our author thus expresses himself on this subject :

'This tradition is in itself intimately and inseparably woven into the whole mythical portion of the Roman history, which we are to separate indeed, but not to reject. It were an arrogant and indolent want of judgment, to leave this tradition unexamined, under pretence of its essential improbability, however great that might seem ; as on the other hand it would be equally against the principles of historical investigation, to expect to attain to matter-of-fact certainty or high probability on the subject of such a tradition, while more than five hundred years elapse from its date before the twilight dawns on the Roman annals. The true subject of investigation is this :—Is the Trojan tradition ancient and native in Italy, or of Grecian origin, subsequently adopted by the Latins and Romans ?'

To the solution of this question, thus ingeniously placed on its true footing, Mr von Niebuhr applies all the power of his historical analysis ; and he comes to the conclusion, that the tradition of the settlement of the Trojans in Italy is no ancient, firmly grounded, and generally circulated Greek tradition ;—that it makes its first appearance in Greek poetry, in the Sicilian bards, who borrowed it, not from the elder national poets of their own tongue, but from the popular faith of those colonies in Sicily, which claimed an ancient affinity with the Latins ;—and that it is therefore to be regarded as a purely ancient Latin tradition, no more capable of historical proof, than any other part of the national mythology of that tribe ; but also by no means to be set down as a figment invented by flattering Greeks and adopted by credulous Romans of a late age.—Having been led, at the close of his chapter on this subject, to repeat the popular tradition, as it appears in Virgil, Mr von Niebuhr makes some remarks on the character of the *Eneid* and of its author, which we are fain to quote, as a specimen of high philosophical criticism :

‘ It is true, the subject of the *Eneid* was national, but it is scarce credible, that impartial Romans could have enjoyed a sincere pleasure in the narrative of the wars contained in the last six books. We feel but too sensibly how ill the poet succeeded in elevating these shadows, these uncharacterized names of ordinary barbarians, to the rank of living beings, like the heroes of Homer. The problem perhaps did not admit of solution, at least for Virgil, whose genius was too poor for invention, however happy his talent in ornament. That he felt this himself, and did not disdain to be great in the manner for which he felt himself gifted, is proved in his imitations of others, as well as by his discontent with his own work, at a time when it had awakened universal admiration. He who labors with painful application on gathered materials is conscious of the chasms and hiatuses, which a diligent polish may conceal from the unpractised eye, but which find no place in the production of the master, who pours forth his work in one great casting. Doubtless Virgil had a foreboding himself, that all the foreign ornament, with which he had arrayed his work, was the richness of the poem and not of the poet ; and that posterity would make the distinction. That in spite of this distressing consciousness, he nevertheless pursued the path marked out to him, and strove to impart to a poem, which he wrote by command, the highest beauty, which it was in his power to bestow upon it ; that he did not vainly and falsely affect a genius,

which he did not possess ; that he did not allow himself to be beguiled, when all around was proclaiming his apotheosis, and Propertius was exclaiming,

Cedite Romani scriptores cedite Graji  
Nescio quid majus nascitur Iliade ;

and that when death was emancipating him from the slavery of political allegiance, he gave orders to destroy that, which, at this solemn moment, he regarded with aversion, as matter of false fame; this entitles him to our respect, and to charity for the faults of his poem. The character of a first attempt is not always decisive ; but Virgil's first youthful poem shows, that he formed himself with incredible diligence, and that no power was permitted by him to become extinct from neglect. How amiable and noble he was, appears best where he speaks from the heart ; not only in his descriptions of agriculture and all his pictures of calm life,—in his epigram on Syron's villa ; but still more when he calls forth in visionary procession those great spirits, which shed their lustre on the history of Rome.'

No part of Mr von Niebuhr's speculations is more curious, than that which regards the earliest establishment of the city of Rome. Justly looking on the account of Romulus as purely mythological, and at the same time rejecting all attempts to separate in it what is possible from what is marvellous ; as if every part of an ancient political fable were true, which is not impossible ; Mr von Niebuhr attempts only to offer, and that conjecturally, an hypothesis, that shall account for the phenomena, which authentic history discovers to us in the Roman state. He does it in the following manner, in a section entitled ' Conjectures on Rome before Tullus,' from which we make the following extract :

' I say not, that with Tullus Hostilius historical light shines in, but that till this period absolutely nothing historical exists, and that here the gray of the morning begins.

' The foundation of Rome—to what people the eternal city originally belonged—is precisely what we do not know. Nor is it less consonant with the eternity of Rome, that its origin be lost in the infinite, than it is in character to the dignity of the city to admit what the poets have sung of the birth and apotheosis of Romulus. Rome must needs be eternal, or founded by a god.

' From the tradition with respect to Tullus, much was transferred to Romulus—as throughout, from true history to the mythological. Instances of this are his death and the war of Fidenæ and Veii. It cannot, however, on this account, be said, that Tul-

lus was the real founder of Rome, and mythologically called Romulus; for under Tullus the city already possessed age and strength; nor is the union with Alba a fable without foundation in historical truth.

‘Every thing in Rome indicates an Etruscan origin. The whole ancient constitution was Etruscan, appointed by the sacred books of the Etruscan nation;\* the leading numbers of the Etruscan notation, *three, ten, and twelve*, are visible in all primitive Roman institutions; even in the tradition of the number of the gates of the ancient city, which, according to the Etruscan usage, were three.† The whole Roman religion—from the service of the Capitol downward—is Etruscan. The Etruscan Lucumo, who received the name of Tarquin, would scarcely have been admitted in a purely Latin city, with the cordiality which the Roman patricians testified to him. The Etruscan nation, moreover, at this period was found on the left bank of the Tiber, toward Latium. Fidenæ was Etruscan; the name of Tusculum argues as much of that city; and the pure latinity of Gabii is extremely doubtful.

‘On the other hand, the Sabines were, at the period assumed for the foundation of the city of Rome, and long after, moving powerfully onward in the stream of migration; and it has been already remarked, that in the middle of Latium, at a much later period, Sabine places are named. Such a Sabine settlement, by the side of the Etruscan city Rome, on the Capitoline and Quirinal hills, formed, as it appears, the city of Tatius. Thus Rome became a double city, like the Greek and Spanish Emporia, like Old and New Dantzic, like the three independent cities of Königsberg, whose walls touched each other, and from which wars between each other were waged. But before the time of Tullus, these two cities had coalesced into one state. Of the Sabine element many traces remained in the national religion and temples, in which Sabine deities were worshipped. These were all ascribed to Tatius; in like manner, as the Etruscan element was ascribed to Romulus.

‘All this, however, is ante-historical, and before the period when the *latinity* of Rome begins. This dates from Tullus, in the union with Alba, which took place in his reign, and by the violent adoption of so many Latins under his successors; by which means the former inhabitants became amalgamated with them, and wholly Latin; and their original tongue became wholly unintelligible to posterity, like the songs of the Salii and Arvales, which may account for the destruction of all the historical monuments of the period.’

\* Festus, under *rituales libri*.’

† Pliny's Natural History, iii. c. 9.’

Such are Mr von Niebuhr's important conjectures as to the origin of Rome, though in thus detaching them from their context, we deprive them of not a little of the weight, which they derive from the previous introductory researches of their author. At the close of the second volume, he calls the attention of the reader to a curious discovery, made by occasion of the excavations in the Coliseum in 1812. Remains of Cyclopean walls were brought to light, in those excavations, beneath the present level of the earth's surface. This style of building belongs to no period since the usually adopted date of the city of Rome. It testifies to an era far more ancient, and to a race of builders, of which the tradition has vanished. The ancient Roman geography designated the region about a city by the word *ager*, and an adjective formed from the name of the place. Thus *ager Tusculanus* was the district about Tusculum; *ager Albanus*, the district about Alba. As these districts retained their names, though the cities were destroyed; the *ager Vaticanus*, on the right bank of the Tiber, refers perhaps to some city, to which it once belonged, some Vaticum or Vatica, of which the memory has wholly perished. Pliny informs us, that an oak was growing in the *ager Vaticanus*, to which was affixed, in letters of bronze, an Etruscan inscription older than the foundation of Rome.\* Mr von Niebuhr would suggest the possibility, that these are indications of a city in this neighborhood, older than Rome, to which the Cyclopean walls discovered in the ruins of the Coliseum belonged. We know not whether it may justify a doubt of the value of this conjecture, that the *ager Vaticanus* is on the opposite side of the river from the ruins of the wall, and that in the limited extent of municipal bounds, at so early a period, it were scarcely to be expected, that the city should be on one side of the Tiber, and the *ager*, named from it, on the other.

We have thus brought our readers fairly into the main topic of Mr von Niebuhr's work. The remaining portion of the first volume and the whole of the second are characterized not less by a sagacious analysis of the historical traditions, than by a masterly sketch of the laws and institutions of Rome. If it cannot be said of Mr von Niebuhr, as of Calvin by judicious Hooker, that 'his bringing up was in the civil law,' he never-

\* Pliny's Natural History, xvi. c. 87.

theless possesses all that familiarity with it unavoidably acquired in the pursuit of Roman history at a German university ; and without which it is scarcely possible, that this history be understood. To this he has added the diligent perusal of all the ancient authors, Greek and Latin, and what is more valuable, than any of these qualifications, a good sense, of which the operations border sometimes on divination. We are told rightly, that ancient manners and institutions differed from our own, and that what is called by an equivalent name was often a different thing. Yielding to this canon, we are apt to adopt most fantastic absurdities, under the names of ancient laws and institutions, and surrender the common dictates of reason, for fear of sinning against authority. But the remedy of common sense and human analogy to be applied to this evil must be applied with a most cautious hand. Mere sagacious speculations on principles of human nature, however profound, are quite as apt to be wide of the truth, as the implicit admissions of the scholar ; and Mr von Niebuhr hesitates not to say of the *Discorsi* of Machiavelli, that though he always speculates ingeniously, it is often on facts, that have no existence. It is in happily drawing the line between the opposite errors now indicated, that our author has shown his unexampled skill. It is necessary only to read his chapters on the 'oldest constitution of Rome,' on the 'Uncial rate of interest,' and on the 'Secular Cycle,' to perceive the justice of this tribute.

We shall close this imperfect notice of his masterly work, with alluding to what he has written in it, on the subject of the agrarian law. So superficially has Roman history been studied, that till late years the opinion has universally prevailed, that the agrarian laws had for their object to enforce an equality of estates, and to prevent any individual from owning more than about three hundred and fifty acres of land. It need not be urged, what an effect such a law would have, particularly on an ancient community, where there was little commerce—no property in public stocks—scarce any manufactures ; and where land and slaves were almost the only species of property, which yielded a revenue. Under these circumstances, of course, an agrarian law, on the common interpretation, would have kept Rome in the state of the Jews under the judges, or of the Spartans under Lycurgus. Yet in full view of these consequences, and even with the express deduction of them, such men as Montesquieu



and Adam Smith have taken the popular view of the agrarian law. It may well weaken the confidence, with which we adopt any conclusions on the subject of ancient institutions, to find a writer so sagacious, so practical as the latter, in a work, that constitutes the very Pandects of political economy, espousing an error so gross, on a subject closely connected with that of his treatise. 'Rome, like most of the other ancient republics,' says he, 'was originally founded upon an agrarian law, which divided the public territory, in a certain proportion, among the different citizens, who composed the state. The course of human affairs, by marriage, by succession, by alienation, necessarily deranged this original division, and frequently threw the lands, which had been allotted for the maintenance of many families, into the possession of a single person. *To remedy this disorder, for such it was supposed to be, a law was made, restricting the quantity of land, which any citizen could possess, to five hundred jugera,—about three hundred and fifty English acres.* This law, however, though we read of its having been executed upon one or two occasions, was either neglected or evaded, and the inequality of fortunes went on continually increasing.'\* It is difficult to conceive how such a view of the legislation of a people so advanced as the Romans could exist for a moment. The agrarian laws, as no one is ignorant, were a great subject of controversy among Patricians and Plebeians. But this monstrous fiction of a law would be as ruinous to one as to the other. Who can believe, that the great plebeian families, some of them as wealthy and as proud as the oldest patrician houses, would have been constantly urging a law, by virtue of which, if Titius, possessed of five hundred jugera, married Titia, possessed of the same, half their estates respectively became forfeited, alike if they were Plebeians or Patricians? The absurdity of the suggestion increases, when we add, that in republican Rome estates were equally divided between sons and daughters, and that the operation of the law for two or three generations would, of course, have been to reduce a family to beggary; the rather, as no child could acquire property for himself, while he was in the *patria potestas*.

Even our ingenious fellow-laborer in the Quarterly Review,

\* Wealth of Nations, book iv. ch. vii. part i.

who has ridiculed the credulity of his countrymen on several topics of ordinary belief, and who appeals to Mr von Niebuhr for sounder views, has fallen into the same difficulty, on the subject of the agrarian law, and appears wholly to have overlooked our author's chapter upon it :—‘ The utter impracticability of this scheme,’ says our colleague, ‘ its total inconsistency with an advanced period of society ; the obvious truth, that *if all were equal*, there would be no expansion of that spirit, which in the ornamental or necessary arts refines and civilizes life ; the death blow put by such a law to one of the strongest desires of our nature,—that of improving our condition ; these truths, though apparent on a very little reflection, made no impression on a people not yet sufficiently cultivated to comprehend their importance.’

To this last sentence the writer subjoins a note, for the sake of pointing out for disapprobation the following sentiment of Montesquieu :—‘ That it was *the equal division of lands*, which rendered Rome capable at first of rising from her depressed state.’ With opinions like these, as universal as they are here confidently expressed, one cannot but reflect upon the facility of the learned, when we add, that most certainly no such law was ever thought of in Rome, no equal division of lands ever attempted or proposed, and that for any thing in the constitution or laws to the contrary, a Roman Patrician might, as many did, possess lands as broad, and tenants as many, as the duke of Bedford or the earl of Fitzwilliam. The importance of the vulgar error on this subject will form our excuse for a brief citation from Mr von Niebuhr's chapter upon it :

‘ It is not long since it was necessary, in every work not expressly designed for scholars, in order to prevent the most disastrous misconception, to prove with great care, that the agrarian laws of the tribunes interfered in no degree with private property in land. At the present day the accounts of the Gracchian commotions, compiled from Appian and Plutarch, are so generally understood, that we may assume, as well known, that no tribunitian agrarian law invaded this sacred right ; and yet it is important to reflect how two great thinkers were led to form this false and terrific conception in Roman history.’

Mr von Niebuhr then proceeds to remark on the sentiments of Machiavelli and Montesquieu on this subject, and refers to

the passage of the former, which we have just quoted in the extract from the *Quarterly Review*.\*

These renowned agrarian laws, then, the well known source of continual agitation, and the theme in modern times of so much declamation, concerned not landed estates, but public lands, commons, domains. They limited not the quantity of land, which the Roman citizen had a right to own and to cultivate, but the portion of the *public lands*, he had a right to take on lease from the state. The Roman Patrician was as free to buy of any one, who would sell, as the English or American citizen ; but the arrogance of the nobles and the jealousy of the tribunes led to a series of laws limiting the quantity of the public domains, which any one might occupy on lease, to about three hundred and fifty acres.

In the earlier periods of the Roman state, before the growth of the plebeian order, and while the republic consisted of patricians and their clients, the public lands—particularly those acquired to great extent by conquest—were the property of the Patricians, who, in fact, were the state. By the Patricians they were leased to their clients, on a kind of feudal tenure.

\* We do not know when the attention of the learned was first called to the true solution of the question relative to the nature of the agrarian laws ; but it is scarcely possible, that it should have been proposed without immediately approving itself to the judicious. In the accounts given by Appian and Plutarch of the Gracchian seditions, and in the allusions of Cicero and others to the agrarian laws, the epithet *public* is almost invariably applied to the land proposed to be divided. Thus in the *Epitome* of Livy, l. lviii. the words of the law are given, *ne quis ex agro publico plus D jugera possideret*. As late as 1775, Bach, in his history of the civil law, follows the old notion of this law. *Hist. Jur. Rom.* p. 135. Schweighæuser, in his edition of Appian, in 1785, seems to have established the correct view of the subject, by shewing the true reading of the leading passage in Appian (*De Bello Civ.* i. 8.) to be *Μηδὴνα ἔχειν τῇσδε τῆς γῆς πλείονα πεντακισίαν πλείονα*. The former editions of Appian omitted the *τῇσδε*, and it was restored by Schweighæuser on the authority of good manuscripts. Mr Hugo does not scruple to ascribe to this happy correction the chief effect, in correcting the public opinion on this subject (*Geschichte des Römischen Rechts*, p. 265 ;) but there are very many places in Appian and Plutarch, which needed no correction, and are equally decisive of the matter in hand. Thus in Plutarch, it is said of Octavius, the colleague of Gracchus, who opposed the latter in his attempts to procure the passage of the law, *Ἐπεὶ δὲ ἴδρα τὸν Ὀκτάειον ἐνεχόμενον τῷ νόμῳ καὶ κατέχοντα τῆς δημοσίας χάραν συκνήν*, &c. The opposition of Scipio Nasica to the same law is thus accounted for by Plutarch : *πλείστην γὰρ ἐκίκνητο γῆν δημοσίαν, καὶ χαλεπῶς ἔφερον ἐκβαίνειν αὐτῆς ἀναγκαζόμενος*. *Plut. Op.* i. 829 and 830. We forbear to multiply these authorities, but the foregoing we have thought due to our readers, in support of a proposition, which, though familiar to the learned on the continent of Europe, has never, we believe, been maintained in England or America.

In process of time the plebeian order grew in number, strength, and consequence ; and the Cassian law was passed, bestowing on the Plebeians, *in fee*, small tracts of this *ager publicus*, while the Patricians, as before, received the greater portion of it. While the Patricians continued faithfully to observe this law, no disturbances arose. But with the growth of the population on the one side and the progress of luxury on the other, it was more and more the interest of the Patricians to keep the domains in their hands, and to defraud the Plebeians ; and as the latter acquired power in the state, it was more and more their interest to limit the quantity of the *ager publicus*, which a Patrician could hold, and of course increase the portion to be divided in fee among the Plebeians. These struggles were constantly renewed till the Licinian law was enacted, on which all the subsequent agrarian laws were modelled, and of which our author enumerates the following as among the chief provisions :

‘ 1. The public land of the Romans shall be ascertained in its limits. Portions of it, which have been encroached on by individuals, shall be restored to the state.

‘ 2. Every estate in the public land not greater than this law allows, which has not been acquired by violence or fraud, and which is not on lease, shall be good against any third person.

‘ 3. Every Roman citizen shall be competent to occupy a portion of newly acquired public land, within the limits prescribed by this law, provided this land be not divided by law among the citizens, nor granted to a colony.

‘ 4. No one shall occupy of the public land more than five hundred jugera, nor pasture on the public commons more than a hundred head of large, nor more than five hundred head of small stock.

‘ 5. Those who occupy the public land shall pay to the state the tithe of the produce of the field ; the fifth of the produce of the fruit tree and the vineyard ; and for every head of large stock —, and every head of small stock —, yearly.

‘ 6. The public lands shall be farmed by the censors to those willing to take them on these terms. The funds hence arising to be applied to the pay of the army.’

The foregoing were the most important permanent provisions of the Licinian law ; and for its immediate effect, it provided that all the public land occupied by individuals over five hundred jugera should be divided by lot in portions of seven jugera to the Plebeians.

Such is the substance of the renowned agrarian law. We need not say, that the simple statement of it dispels into thin air all the eloquent speculations, which have been made on a compulsory equality of estates at Rome, with which it had no connexion whatever. Nor will it escape the observation of practical readers, that the first use, which two thirds of the Plebeians would make of their seven acres, would be to sell them to their patrician neighbors, did the law grant them a power of alienation.

We must here take leave of this interesting subject and of Mr von Niebuhr's work. We feel how little justice we have been able to do it ; and can only hope, that our remarks may draw the notice of our readers to a work destined, we are sure, to shed a broad light on the study of history, and to fill a large space in the attention of the reasoning and thinking part, not only of the 'European,' but of the American community.